

**DAN J. HOFMEISTER, JR., ESQ.
KATHERINE D. VEGA, ESQ.
NEAL, GERBER & EISENBERG LLP
2 N. LaSalle St., Suite 2200
Chicago, Illinois 60602-3801
T. (312) 269-8000
F. (312) 269-5248
Dhofmeister@ngelaw.com**

BRIDGET ROBB PECK, #3143
LEWIS AND ROCA, LLP
50 West Liberty Street, Suite 410
Reno, NV 89501
T. 775-826-2900
F. 775-823-2929
bpeck@lrlaw.com

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CARRIE A. MARTIN,)
)
Plaintiff,)
)
v.) No.: 3:07-cv-00309-BES-RAM
)
UNICARE LIFE AND HEALTH)
INSURANCE COMPANY,)
)
Defendant.)

AGREED HIPAA QUALIFIED PROTECTIVE ORDER

The parties, pursuant to Federal Rule of Civil Procedure 26(c), 45 C.F.R. §164.512 and District of Nevada Local Rules 6-2 and 7-1, have agreed, and this Court finds, that good cause exists for the entry of a Protective Order to prevent the unauthorized disclosure and to direct the use of protected health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED:

1 1) All documents produced by the parties to this litigation shall be produced
2 subject to the conditions of this Order.

3 2) During the course of this litigation, the parties recognize it may be
4 necessary to disclose or use "protected health information" of the Plaintiff Carrie A.
5 Martin ("Martin"), as that term is defined under the Health Insurance Portability and
6 Accountability Act ("HIPAA") and the Federal Regulations enacted pursuant to said Act.

7 3) This Order shall apply to any documents produced or used by a party or a
8 covered entity (as defined by 45 C.F.R. §160.103) in this litigation, including requests to
9 produce or subpoenas for protected health information.

10 4) All protected health information disclosed or used by any party or covered
11 entities shall be used for the sole purpose of preparing for or conducting this litigation,
12 including, but not limited to, motions, briefs, discovery, depositions, trial preparation or
13 trial and shall not be disclosed or revealed to anyone not authorized by this Protective
14 Order.

15 5) Protected health information may be disclosed by any covered entity,
16 health care provider, managed care entity, insurer, party, party's expert, or party's
17 attorney without further notice to the following:

18 (a) Counsel for the respective parties to this litigation, their
19 employees, parties to the litigation, and employees of counsel who
20 are assisting in the prosecution or defense of this litigation;

21 (b) Experts and consultants (and their employees and clerical
22 assistants) who are employed, retained or otherwise consulted by
23 counsel of the parties to assist in any way in the preparation and
24 trial of this litigation;

25 (c) Treating physicians;

26 (d) Other health care providers;

27 (e) Liability insurers of any of the parties involved in the litigation.

1 6) The parties and each entity governed by this Order shall either (a) destroy
2 or (b) return to the entity who originally produced it, all protected health information
3 including all copies made, provided, however, the said protected health information may
4 be retained in the files of the law firms handling this litigation and may be destroyed
5 pursuant to their regular file retention policies so long as the protected health information
6 is maintained in a secure environment.

7 7) This Protective Order shall survive the final conclusion of this litigation
8 and shall continue in full force and effect and the Court shall retain jurisdiction to enforce
9 this Protective Order.

10 8) This Order does not change or affect notice and other procedural
11 requirements of the Federal Rules of Civil Procedure.

12
13 Agreed as to form and content this 1st day of November, 2007.
14
15

16 UNICARE LIFE AND HEALTH
17 INSURANCE COMPANY

CARRIE A. MARTIN

18 BY: /s/ Dan J. Hofmeister, Jr.

BY: /s/ Matthew L. Sharp

19 One of Its Attorneys

Her Attorney

20
21 Dan J. Hofmeister, Jr. Esq.
Katherine D. Vega, Esq.
22 **NEAL, GERBER & EISENBERG LLP**
2 N. LaSalle St., Suite 2200
23 Chicago, Illinois 60602-3801

Matthew L. Sharp, Esq.,
Nevada State Bar #4746
MATHHEW L. SHARP LTD.
419 Flint St.
Reno, Nevada 89501

24 Bridget Robb Peck #3143
25 **LEWIS and ROCA, LLP**
50 West Liberty Street, Suite 410
26 Reno, NV 89501

Attorney for Plaintiff

27 Attorneys for Defendant
28

1 IT IS SO ORDERED
2
3
4



5 _____
6 UNITED STATES MAGISTRATE JUDGE
7

8 DATED: November 1, 2007
9

10 NGEDOCS: 1471708.2
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Neal ■ Gerber ■ Eisenberg LLP
2 North LaSalle Street, Suite 2200
Chicago, Illinois 60602-3801
Tel: (312) 269-8000 Fax: (312) 269-1747